THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13855 of 1995

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Dated 16-03-2006

Between:

Ramesh Sales Corporation rep. by Sri Ramesh kumar.

..... PETITIONER

AND

The Additional Industrial Tribunal-cum- Additional Labour Court, Hyderabad & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13855 of 1995

O R D E R:

The short question which arises for consideration in this writ petition is as to whether the Additional Industrial Tribunal-cum-Additional Labour Court (hereinafter referred to as 'the Labour Court') having held that the workman had himself abandoned the job and that his version that his services were terminated is false could have directed payment of Rs.1,050/- towards wages for the month of October, 1991 and the service compensation for five years i.e. salary for 4 ½ months amounting to Rs.4,725/- i.e. Rs.5,775/- on the ground that the workman would otherwise be driven to file an application under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short 'the Act').

Under Section 2-A of the Act, where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute. Under sub-section (2) notwithstanding anything in Section 10, any such workman as is specified in sub-section (1) may, make an application in the prescribed manner direct to the Labour Court for adjudication of the dispute referred to therein and on receipt of such application the Labour Court shall have jurisdiction to adjudicate upon any matter in the dispute, as if it were a dispute referred to or pending before it, in accordance with the provisions of the Act and accordingly all the provisions of the Act, shall apply in relation to such dispute as they apply in relation to any other industrial dispute.

The jurisdiction of the Labour Courts/Industrial Tribunals under Section 2-A(2) of the Act would arise only in case of discharge, dismissal or termination of a workman from service. Having found that the services of the workman had not been terminated and that he had voluntarily abandoned the service, none of the ingredients for exercise of jurisdiction under Section 2-A(2) of the Act are attracted. Having come to the conclusion that the services of the workman had not been terminated and inasmuch as the Labour Court had jurisdiction to entertain the dispute only in cases of termination, the Tribunal clearly exceeded its jurisdiction in directing payment of wages for October, 1991 and service compensation for five years on the erroneous ground that otherwise the workman would be driven to file an application under Section 33-C(2) of the Act. It is well settled that the jurisdiction of Tribunals/Labour Courts are circumscribed by the provisions of the Act and that they are Courts of limited jurisdiction. The Labour Court was therefore not entitled to examine matters beyond its jurisdiction.

Sri Ch.Ramesh Babu, learned counsel for the second respondent-workman, would submit that since the amount involved is for a meager sum of Rs.5,775/-, this Court ought not to have exercised its jurisdiction under Article 226 of the Constitution of India. While this submission of the learned counsel is not without merit, the Certiorari jurisdiction of this Court is exercised to ensure that Courts/Tribunals confine themselves to the limits of their jurisdiction and do not exceed such limits circumscribed by statutory provisions.

The writ petition is allowed and the order of the Labour Court is quashed. Needless to state that this order shall not preclude the second respondent-workman herein from claiming amounts, if any, due to him, in accordance with law, before the appropriate forum. No order as to costs.

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16-03-2006

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